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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,152	09/27/2001	Dwip N. Banerjee	AUS920010569US1	6237

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 IBM CORP (YA)
 C/O YEE & ASSOCIATES PC
 P.O. BOX 802333
 DALLAS, TX 75380

EXAMINER

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/965,152

Applicant(s)

BANERJEE ET AL.

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 12-15 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-4, 12-15 and 23-26 have been examined. Application 09/965,152 (SERVICE DISCOVERY IN A NETWORK OF AUTOMATIC PRODUCT/SERVICE DISPENSING MACHINES) has a filing date 09/27/2001.

Response to Amendment

2. In response to Non Final Rejection filed 10/17/2006, the Applicant filed an Amendment on 01/16/2007, which amended claims 1-4, 12-15, 23-26 and cancel claims 5-11, 16-19 and 27-30.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 12-14 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore (US 7,084,737).

As per claims 1, 12 and 23, Moore teaches:

A method for providing products, the method comprising:

receiving, at a *first* automatic product/service dispensing machine at a *location* in a micronetwork of proximally located diverse automatic product/service dispensing machines, a request for an item (see col 5, lines 1-30) and;

responsive to a determination that the item is unavailable at *the first* automatic product/service dispensing machine, providing a user with *redirection information regarding at least one alternative location at which the item may be obtained* (see col 5, lines 1-30; col 7, lines 20-40).

As per claims 2, 13 and 24, Moore teaches:

The method as recited in claim 1, wherein *providing a user redirection information regarding at least one alternative location at which the item may be obtained comprises: providing the user with a location of at least one second automatic product/service dispensing machine in the micronetwork of proximally located diverse automatic product/service dispensing machines* (see col 5, lines 1-30; col 7, lines 20-40).

As per claims 3, 14 and 25, Moore teaches:

The method as recited in claim 2, wherein *providing the user with a location of at least one second automatic product/service dispensing machine in the micronetwork of proximally located diverse automatic product/service dispensing machines comprises: providing directions to the location of the at least one second automatic product/service dispensing machine in the micronetwork of proximally located diverse automatic product/service dispensing machines* (see col 5, lines 1-30; col 7, lines 20-40).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 7,084,737) in view of Walker (US 6,324,520) and further in view of Walker (US 2005/0060062; claiming priority to 09/345,092: filing date 06/30/99).

As per claims 4, 15 and 26, Moore fails to teach:

The method as recited in claim 1, *and further comprising: providing the user with a redemption coupon that is redeemable at the at least one alternative location.* However, Walker 062 teaches vending machines that provide customers with electronic coupons offers of alternative products of said vending machines (see Walker 062 paragraphs 188-190) and Walker 520 teaches discount offers that are given to customers when said customers select a unavailable item in a vending machine (see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Moore would give discount offers to customers, when said customers select a unavailable item in a vending machine, as taught by Walker 062 and where said discount offers would be coupons, as the one taught by Walker 062 in order that said customers are compensated for the distress of selecting unavailable items in said vending machine.

Response to Arguments

5. Applicant's arguments with respect to claims 1-4, 12-15 and 23-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra
March 19, 2007


RETTA YEHDEGA
PRIMARY EXAMINER